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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)	
)	
Amendment of Parts 2 and 25 of the)	ET Docket No. 98-206
Commission's Rules to Permit Operation)	RM-9147
of NGSO FSS Systems Co-Frequency with)	RM-9245
GSO and Terrestrial Systems in the Ku-)	
Band Frequency Range)	
)	
Amendment of the Commission's Rules)	
to Authorize Subsidiary Terrestrial Use)	
of the 12.2-12.7 GHz Band by Direct)	
Broadcast Satellite Licensees and Their)	
Affiliates)	

**FURTHER SUPPLEMENTAL COMMENTS OF
GE AMERICAN COMMUNICATIONS, INC.**

GE American Communications, Inc. ("GE Americom"), by its attorneys,
hereby submits its further supplemental comments in the above-referenced
rulemaking proceeding¹ as a written *ex parte* presentation in response to the Public
Notice issued by the Commission, DA 99-3008 (rel. Dec. 27, 1999) (the "Notice").
The *Notice* solicits comment on a joint proposal by SkyBridge L.L.C. and the Fixed

¹ See *In the Matter of Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range*, ET Docket No. 98-206, *Notice of Proposed Rulemaking*, 14 FCC Rcd 1131 (1998) (the "*Ku-Band NPRM*").

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Wireless Communications Coalition (the “SkyBridge/FWCC Proposal”)² regarding sharing of the 10.7-11.7 GHz band between NGSO gateway earth stations and fixed service operations that differs from the spectrum sharing scheme set forth by the Commission in the *Ku-Band NPRM*.

GE Americom does not object in principle to the SkyBridge/FWCC Proposal. However, the Commission must recognize that the Proposal on its face was designed only for sharing between SkyBridge’s planned NGSO FSS system and fixed services in the extended Ku-band. The Commission is also considering permitting expanded use of the 10.7-11.7 GHz band for GSO FSS downlinks. *See Ku-Band NPRM*, 14 FCC Rcd at 1144. The SkyBridge/FWCC Proposal’s terms are not appropriate for sharing between GSO FSS services and fixed service operations.

The critical issue here is regulatory parity. If the Commission is to permit NGSO downlink operations in the 10.7-11.7 GHz band for domestic services, it must similarly remove the prohibition on domestic services for GSO FSS downlinks in that band under comparable terms. The SkyBridge/FWCC Proposal was designed to meet specific NGSO system requirements without taking into account the different operational characteristics and coordination environment applicable to sharing between GSO FSS operations and fixed services in this band. As a result, the Proposal as a whole does not represent a suitable framework for GSO FSS/fixed service sharing, although certain elements of the Proposal are

² The proposal was described in two joint *ex parte* letters submitted by SkyBridge and the FWCC on December 8 and December 22, 1999.

promising. Instead, the Commission must consider sharing measures that are appropriately tailored to GSO FSS service requirements.

DISCUSSION

In the *Ku-Band NPRM*, the Commission proposed to allow use of the 10.7-11.7 GHz band for NGSO FSS gateway downlink operations, tentatively concluding that sharing between such operations and existing fixed service and GSO FSS operations was feasible under certain conditions. *Id.* To permit such use, the Commission indicated that it intended to amend footnote NG104 to the Table of Frequency Allocations. That footnote currently restricts use of the 10.7-11.7 GHz band for FSS operations to international systems only. *Id.* at 1143. In order to protect fixed service operations in the band, the Commission proposed to adopt geographic exclusion zones where NGSO earth stations operating in the band could not be located.³

The Commission also sought comment regarding the removal of the NG104 restriction in order to allow expanded use of the 10.7-11.7 GHz band for GSO FSS domestic downlink operations subject to the limitations proposed for NGSO earth station siting. *Id.* at 1144. GE Americom and other commenting

³ Specifically, the Commission proposed to establish exclusion zones around the 50 largest U.S. cities. Each exclusion zone would consist of an area within a 100 km radius around the city center. *Id.* at 1146-1147.

parties strongly supported this idea.⁴ Parties demonstrated that permitting expanded GSO FSS operations in the extended Ku-band would increase network productivity and efficiency, maximizing the use of scarce spectrum resources.⁵ Commenters also noted that equitable treatment of GSO FSS and NGSO FSS systems was necessary to preserve competitive parity.⁶

In their joint filings, SkyBridge and the FWCC propose an alternative to the regulatory scheme set forth by the Commission in the *Ku-Band NPRM* for facilitating sharing between NGSO FSS gateways and fixed service operations in the 10.7-11.7 GHz band. Specifically, the parties propose a revised definition of a gateway earth station, the concept of a fixed service “Growth Zone” as an alternative to the exclusion zones described in the *Ku-Band NPRM*, and detailed coordination and interference mitigation procedures. The parties state that their proposal is intended to more accurately reflect the actual characteristics of fixed service use of the band and provide added flexibility to NGSO systems in siting their gateway stations.⁷

GE Americom does not object to the SkyBridge/FWCC Proposal, provided that the Commission recognizes and considers it on the limited terms for

⁴ See, e.g., GE Americom Comments at 24-25; GE Americom Reply Comments at 9-10.

⁵ See, e.g., Loral Comments at 4, 8; PanAmSat Reply Comments at 21.

⁶ See, e.g., GE Americom Comments at 24-25.

⁷ See December 8, 1999 Joint *Ex Parte* Letter at 1, 3-4.

which it was designed and submitted. The parties expressly state that the proposal represents only the views of SkyBridge and the FWCC. *Id.* at 2. Thus, it does not purport to reflect the views even of other NGSO applicants.

Obviously the very different service characteristics of GSO FSS operations and the specific coordination environment applicable to GSO FSS/fixed service spectrum sharing were not taken into account in the development of the Proposal. For example, the gateway definition proposed by the parties is NGSO-specific, and is not consistent with GSO FSS operational requirements. Similarly, the coordination proposal regarding elevation angles is designed to take into account unique NGSO system constellation characteristics rather than those of satellites in the geostationary arc.

As a result, the Commission cannot consider applying the SkyBridge/FWCC Proposal to sharing between GSO FSS operations and the fixed service. Instead, if the Commission allows NGSO FSS systems to operate domestically in the 10.7-11.7 GHz band, it must permit GSO FSS systems access to the band for domestic services under comparable terms, but terms that are tailored to GSO FSS service needs and characteristics. Although the SkyBridge/FWCC Proposal cannot be used in its entirety for setting the terms of sharing between GSO FSS and the fixed service in this band, elements of the Proposal may well prove to be suitable. For instance, it may be appropriate to employ the “Growth Zone” concept proposed by the parties to protect areas of intensive fixed service use

instead of the exclusion zones suggested by the Commission. Other ideas included in the joint proposal might also be acceptable.

The ultimate objective must be to develop a regulatory framework that provides equitable access to the 10.7-11.7 GHz band for GSO FSS domestic services while protecting the legitimate operational and expansion requirements of the fixed service. The SkyBridge/FWCC Proposal clearly was not meant to and cannot serve such a function. However, it provides useful ideas that should be further explored by the Commission and interested GSO FSS and fixed service parties to develop an appropriate framework for GSO FSS/fixed service sharing in this band.

CONCLUSION

The SkyBridge/FWCC Proposal does not represent an acceptable mechanism for setting the conditions of sharing between GSO FSS and fixed service operations. If the Commission permits NGSO FSS systems to operate domestically in the 10.7-11.7 GHz band under the conditions set forth in the Proposal, the Commission must also provide comparable access to that band to GSO FSS systems for domestic services. However, the conditions for GSO FSS use must be tailored to meet the service-specific requirements and characteristics of GSO FSS operations.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

By: 

Philip V. Otero
David J. Lidstone
GE American Communications, Inc.
Four Research Way
Princeton, NJ 08540

Peter A. Rohrbach
Karis A. Hastings
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Its Attorneys

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